IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and
THE HON'BLE SRI JUSTICE B.SESHASAYANA REDDY

WRIT PETITION No. 21 of 2002

Between:

A. Venkatesham, s/o. Sri A.Narsimha Ramaiah,
H.No.24-6-133, Fathimanagar,
Kazipet, Warangal.

..... PETITIONER

AND

1.The District and Sessions Judge, Warangal.
2.The Judge, Family Court -Cum-III-Addl. Dist. and Sessions Judge, Warangal.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an Order or Direction more particularly one in the nature of Writ of Certiorari to declare the orders dt.20.12.2001 made in Dis.No1853 passed by the respondent No.2 refixing the pay and allowances of the petitioner and proposing to recover an amount of Rs.35,352/- (Rupees Thirty five thousand three hundred and fifty only) from the petitioners salary as arbitrary, illegal, without jurisdiction, besides violative of fundamental rights and the Principles of Natural Justice guaranteed under the Constitution of India and consequently quash the same as null and void.

Counsel for the Petitioner: Mr. A.RAMAKRISHNA REDDY

Counsel for the Respondents: Mr.C.V.Nagarjuna Reddy

Standing Counsel for High Court.

The Court made the following :

ORAL ORDER:

(per Honourable Sri Devinder Gupta, the Chief Justice)

This case is covered by the decision rendered by us today viz. 10.11.2005 in Writ Petition No. 5 of 2002, and, for that reason, the writ petition cannot be allowed, and, even the prayer made by the learned counsel for the petitioner to waive the recovery, in view of the observations made by the Full Bench in **G.Padma Reddy v. Government of A.P.,** cannot be allowed.

The Writ Petition is accordingly dismissed and the interim order is vacated. While dismissing the writ petition, we make it clear that the respondents may consider the desirability of recovering the amount in reasonable instalments.

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DEVINDER GUPTA, C.J.

10.2.2005.

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B.SESHASAYANA REDDY, J.

VR.

To

1.The District and Sessions Judge, Warangal.
2. The Judge, Family Court-cum-III-Addl. District and Sessions Judge, Warangal.

3. Two CD copies.